

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

LEUMAL FRED HENTZ,

Case No. 2:19-cv-01651-MC

Plaintiff,

OPINION AND ORDER

v.

SNAKE RIVER CORRECTIONAL  
INSTITUTION, et al.,

Defendants.

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MCSHANE, District Judge:

Plaintiff, an inmate at the Snake River Correctional Institution (SRCI), filed this action pursuant to 42 U.S.C. § 1983 and alleged various violations of his federal constitutional rights. Defendants move for dismissal of plaintiff's Fifth Cause of Action against SRCI on grounds of Eleventh Amendment immunity. The motion is GRANTED.

Under § 1983, plaintiff can sue only "persons," and SRCI is not a person. Moreover, SRCI is an arm of the State, and it is immune from suit under § 1983 in federal court. *See Will v. Mich. Dep't of State Police*, 491 U.S. 58, 66 (1989); *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 97-100 (1984). In response to defendants' motion, plaintiff invokes the

Americans With Disabilities Act and the Rehabilitation Act. However, plaintiff does not assert claims against SRCI under either Act, and his allegations do not support claims for disability discrimination. *See* Compl. at 37-38 (ECF No. 2).

CONCLUSION

Defendants' Partial Motion to Dismiss (ECF No. 8) is GRANTED, and plaintiff's Fifth Cause of Action against SRCI is DISMISSED.

IT IS SO ORDERED.

DATED this 29<sup>th</sup> day of April, 2020.

s/ Michael J. McShane  
Michael J. McShane  
United States District Judge